THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20562 OF 2005

DATE:20.09.2005

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Between:

S.Krishna Murthy, S/o.Venkatachalam,

Aged 65 years, Occ: Retired Employee,

R/o.2nd Ward, Avanigadda, Krishna District

…… Petitioners

And

The Krishna District Cooperative Central Bank Ltd.,

Rep. by its General Manager,

Machilipatnam, Krishna District.

…… Respondents

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 20562 of 2005

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ORDER:

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This writ petition is filed questioning the Memo, dated 25.07.2005, issued by the respondent. The petitioner retired from the service of the respondent-bank on 31.05.1997. Thereafter, proceedings were initiated against him under Section 51 of the

A.P. Co-operative Societies Act (for short 'the Act') alleging that he misappropriated a sum of Rs.19,23,381/-. The proceedings were ultimately set aside. Petitioner

submitted a representation,
dated 26.06.2005, requesting the respondent to pay interest on the amount representing the retirement benefits. Through the impugned Memo, the respondent informed the petitioner that there is no provision, which supports the claim of the petitioner and refused to accede to his request.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

It is a matter of record that the petitioner retired from service on 31.05.1997. He was entitled to be extended the retirement benefits shortly thereafter. However, proceedings under Section
51 of the Act came to be initiated against him soon after his retirement. W.P.No.20439 of 1997 filed by him was allowed on the ground that the disciplinary proceedings cannot be initiated against the petitioner after he retired. In W.A.No.1493 of 1998, the order of the learned single Judge was modified through order, dated 04.02.2000. Aggrieved thereby, petitioner filed Civil Appeal No.7027 of 2001. The Civil Appeal was allowed by the Supreme Court only on 05.10.2001. It is not in dispute that the retirement benefits of the petitioner were released in December 2001 itself. In that view of the matter, it cannot be said that there was any undue delay on the part of the respondent in releasing the retirement benefits of the petitioner. If at all anything, it is the respondent who has suffered the loss in the matter of recovery of Rs.19,00,000/- and odd on technical grounds.

The writ petition is accordingly dismissed. There shall be no order as to costs

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(L.NARASIMHA REDDY, J)

20th SEPTEMBER, 2005.

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